

AMENDED IN ASSEMBLY SEPTEMBER 6, 2013

AMENDED IN ASSEMBLY SEPTEMBER 3, 2013

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AMENDED IN SENATE MAY 13, 2013

SENATE BILL

No. 338

Introduced by Senator Hill

(Coauthors: Senators DeSaulnier and Yee)

(Coauthors: Assembly Members Campos, Fong, Mullin, and Ting)

February 20, 2013

An act to amend Section ~~5373.1~~ 5385.6 of the Public Utilities Code, and to add Sections 28062 and 34500.4 to the Vehicle Code, relating to charter-party carriers of passengers, and declaring the urgency thereof, to take effect immediately. *passengers*.

LEGISLATIVE COUNSEL'S DIGEST

SB 338, as amended, Hill. Charter-party carriers of passengers: limousines: fire extinguishers.

The Passenger Charter-party Carriers' Act places charter-party carriers of passengers, as defined, under the jurisdiction and control of the Public Utilities Commission. The act defines a charter-party carrier of passengers, subject to certain exceptions, to mean every person that is

engaged in the transportation of persons by motor vehicle for compensation, whether in common or contract carriage, over any public highway. Existing law requires the Department of the California Highway Patrol to regulate the safe operation of motor vehicles engaged in transportation for hire or compensation and to inspect those vehicles to ensure that they have the required safety equipment. A violation of these provisions is a crime.

This bill would require a limousine, as defined, that has been modified or extended *by an original or final-stage manufacturer* for purposes of increasing vehicle length and passenger capacity to be equipped with 2 readily accessible and fully charged fire extinguishers, as specified, and would require one fire extinguisher to be securely mounted in the driver's compartment and ~~the other~~ *at least one* to be accessible to the passengers. The bill would require the driver or operator of the limousine to notify the passengers of the location of each fire extinguisher prior to the commencement of any trip. *The bill would require each certificate of registration to identify whether a limousine with a seating capacity of fewer than 10 passengers has been extended or modified by an original or final-stage manufacturer for purposes of increasing vehicle length and passenger capacity and make that information available to the Department of the California Highway Patrol.* The bill would also require, not later than July 1, 2015, the Department of the California Highway Patrol to implement a ~~regular~~ safety inspection program, as specified, of charter-party carriers of passengers that operate limousines that have been modified or extended *by an original or final-stage manufacturer* for purposes of increasing vehicle length and passenger capacity. The bill would require the department to adopt *emergency* regulations for this purpose. The bill would require the department to transmit to the Public Utilities Commission inspection data of limousines inspected pursuant to this program and would require the original manufacturer or final-stage manufacturer of a manufactured or aftermarket limousine, as described, to certify to the department that the vehicle meets all applicable federal and state motor vehicle safety standards. The bill would also require the ~~payment of department to adopt regulations to establish an inspection fee to be paid by a single charter-party carrier operator, as specified, and would revise the inspection fees for charter-party carrier bus terminal inspections. specified.~~ *The bill would require the inspection fee to be collected by the Public Utilities Commission and deposited into the Motor Vehicle Account in the State Transportation Fund.* Because a violation of these

provisions would be a crime, this bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

~~This bill would declare that it is to take effect immediately as an urgency statute.~~

Vote: $\frac{2}{3}$ -majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. The Legislature finds and declares all of the
2 following:

3 (a) Vehicles operated by a charter-party carrier with a seating
4 capacity of more than 10 passengers have more robust safety
5 protections, including a requirement to be equipped with a fire
6 extinguisher and to undergo annual safety inspections by the
7 Department of the California Highway Patrol, than do limousines
8 that have been modified or extended for purposes of increasing
9 vehicle length and passenger capacity with a seating capacity of
10 less than 10 passengers.

11 (b) It is the intent of the Legislature to increase the safety of
12 passenger travel in limousines with a seating capacity of less than
13 10 passengers that have been modified or extended for purposes
14 of increasing vehicle length and passenger capacity by mandating
15 annual safety inspections and the installation of fire extinguishers
16 in those limousines.

17 (c) It is the intent of the Legislature to provide authority to the
18 Department of the California Highway Patrol to develop regulations
19 to create an annual safety inspection program of charter-party
20 carriers that operate limousines that have been modified or
21 extended for purposes of increasing vehicle length and passenger
22 capacity.

23 ~~SEC. 2. Section 5373.1 of the Public Utilities Code is amended~~
24 ~~to read:~~

~~5373.1. (a) Each application for a charter-party carrier of passengers certificate or permit shall be accompanied by a filing fee as follows:~~

~~(1) Class A certificates (new): one thousand five hundred dollars (\$1,500).~~

~~(2) Class A certificates (renewal): one hundred dollars (\$100).~~

~~(3) Class B certificates (new): one thousand dollars (\$1,000).~~

~~(4) Class B certificates (renewal): one hundred dollars (\$100).~~

~~(5) Class C certificates (new): one thousand dollars (\$1,000).~~

~~(6) Class C certificates (renewal): one hundred dollars (\$100).~~

~~(7) Permits (new): one thousand dollars (\$1,000).~~

~~(8) Permits (renewal): one hundred dollars (\$100).~~

~~(b) The commission shall also require each application to be accompanied by a fee to offset the cost of the charter-party carrier bus terminal inspections conducted by the Department of the California Highway Patrol. The department shall adopt regulations to establish an inspection fee based on fleet size that shall, at a minimum, be twenty-five dollars (\$25) per tour bus, as defined in Section 612 of the Vehicle Code, and no higher than seventy-five dollars (\$75) per tour bus up to a maximum of six thousand five hundred dollars (\$6,500) per fleet.~~

~~(c) The commission shall require each charter-party carrier that operates tour buses, as defined in Section 612 of the Vehicle Code, to undergo an annual bus terminal inspection conducted by the Department of the California Highway Patrol. The department shall adopt regulations to establish an annual fee of twenty-five dollars (\$25) per tour bus, and no higher than seventy-five dollars (\$75) per tour bus up to a maximum of six thousand five hundred dollars (\$6,500) per fleet, to offset the cost of the inspections.~~

~~(d) The commission shall deposit the fees collected pursuant to subdivisions (b) and (c) in the Motor Vehicle Account in the State Transportation Fund.~~

SEC. 2. Section 5385.6 of the Public Utilities Code is amended to read:

5385.6. (a) No charter-party carrier shall operate a limousine as defined by Section 5371.4 unless the limousine is equipped with the special license plates issued and distributed by the Department of Motor Vehicles pursuant to Section 5011.5 of the Vehicle Code.

(b) The commission shall issue to each charter-party carrier operating limousines a permit or certificate for the number of

vehicles verified by the carrier as employed in providing limousine service. The permit or certificate shall be submitted to the Department of Motor Vehicles, which ~~will~~ *shall* issue to each verified vehicle a set of unique, identifying license plates. The department shall *require each certificate of registration to identify whether a limousine with a seating capacity of fewer than 10 passengers has been extended or modified for purposes of increasing vehicle length and passenger capacity and shall make that information available to the Department of the California Highway Patrol. The Department of Motor Vehicles shall maintain* a record of each set of plates it issues and provide a copy of each record to the commission.

(c) The commission shall recover from any carrier whose permit or certificate is ~~cancelled~~, *canceled*, suspended, or revoked any and all plates issued pursuant to this section.

(d) The special license plate shall be in lieu of the decal required to be issued and displayed pursuant to Section 5385.5.

(e) This section shall become operative on July 1, 1995.

SEC. 3. Section 28062 is added to the Vehicle Code, to read:

28062. (a) A limousine, as defined in subdivision (i) of Section 5371.4 of the Public Utilities Code, that has been modified or extended *by an original or final-stage manufacturer* for purposes of increasing vehicle length and passenger capacity shall be equipped with two readily accessible and fully charged fire extinguishers having at least 2A10BC 5lb rating and maintained in efficient operating condition. One fire extinguisher shall be securely mounted in the driver's compartment and *at least one* shall be accessible to the passengers.

(b) The driver or operator of a limousine that has been modified or extended *by an original or final-stage manufacturer* for purposes of increasing vehicle length and passenger capacity shall notify the passengers of the location of each fire extinguisher prior to the commencement of any trip.

SEC. 4. Section 34500.4 is added to the Vehicle Code, to read:

34500.4. (a) The Department of the California Highway Patrol shall have the authority to conduct ~~annual~~ safety inspections of all limousines that have been modified or extended *by an original or final-stage manufacturer* for purposes of increasing vehicle length and passenger capacity and that are operated pursuant to the

1 Passenger Charter-party Carriers' Act (Chapter 8 (commencing
2 with Section 5351) of Division 2 of the Public Utilities Code).

3 (b) (1) Not later than July 1, 2015, the Department of the
4 California Highway Patrol shall implement ~~an annual~~ *a* safety
5 inspection program of charter-party carriers of passengers who
6 operate limousines as described in subdivision (a) that includes,
7 but is not limited to, the safe operation of the vehicle, the
8 installation of safety equipment, the retention of maintenance logs,
9 accident reports, records of driver discipline, compliance with
10 federal and state motor vehicle safety standards, the examination
11 of a preventative maintenance program, and, if ownership of the
12 limousine has been transferred, the transmission of relevant safety
13 and maintenance information of the limousine. ~~The~~

14 (2) *Pursuant to the safety inspection program, the department*
15 *shall conduct an inspection of each charter-party carrier of*
16 *passengers at least once every 13 months.*

17 (3) ~~The department shall adopt emergency regulations for this~~
18 ~~purpose and hold public hearings prior to the adoption of any rule~~
19 ~~or regulation.~~ *purposes of this subdivision. The adoption by the*
20 *department of regulations implementing this section shall be*
21 *deemed to be an emergency and necessary to avoid serious harm*
22 *to the public peace, health, safety, or general welfare for purposes*
23 *of Sections 11346.1 and 11349.6 of the Government Code, and*
24 *the department is hereby exempted from the requirement that it*
25 *describe facts showing the need for immediate action to the Office*
26 *of Administrative Law. The emergency regulations shall remain*
27 *in effect for no more than one year, by which time final regulations*
28 *shall be adopted.*

29 ~~(2)~~

30 (4) (A) The department shall adopt regulations to establish an
31 inspection fee based on ~~fleet size~~ *the number of vehicles described*
32 *in subdivision (a) operated by a single charter-party carrier that*
33 *shall, at a minimum, be twenty-five dollars (\$25) per vehicle and*
34 *shall be no higher than seventy-five dollars (\$75) per vehicle.*

35 (B) ~~No fleet~~ *A single charter-party carrier operator shall not*
36 *pay more than six thousand five hundred dollars (\$6,500).*

37 (C) The fee structure established pursuant to this subdivision
38 shall apply to limousines that have been modified or extended by
39 *an original or final-stage manufacturer* for purposes of increasing

1 vehicle length and passenger capacity that are required to undergo
2 a safety inspection pursuant to this section.

3 *(D) The fee established pursuant to this subdivision shall be*
4 *collected by the California Public Utilities Commission and*
5 *deposited into the Motor Vehicle Account in the State*
6 *Transportation Fund.*

7 ~~(3)~~

8 (5) The Department of the California Highway Patrol shall
9 transmit to the Public Utilities Commission inspection data of
10 limousines inspected pursuant to this program, as specified in the
11 program regulations.

12 (c) Regulations adopted pursuant to this section shall be
13 consistent with the established inspection program administered
14 by the department for buses pursuant to Division 14.8 (commencing
15 with Section 34500), and shall require the original manufacturer
16 or the final-stage manufacturer of a manufactured or aftermarket
17 limousine that has been modified or extended for purposes of
18 increasing vehicle length and passenger capacity to certify to the
19 department that the vehicle meets all applicable federal and state
20 motor vehicle safety standards.

21 SEC. 5. No reimbursement is required by this act pursuant to
22 Section 6 of Article XIII B of the California Constitution because
23 the only costs that may be incurred by a local agency or school
24 district will be incurred because this act creates a new crime or
25 infraction, eliminates a crime or infraction, or changes the penalty
26 for a crime or infraction, within the meaning of Section 17556 of
27 the Government Code, or changes the definition of a crime within
28 the meaning of Section 6 of Article XIII B of the California
29 Constitution.

30 ~~SEC. 6. This act is an urgency statute necessary for the~~
31 ~~immediate preservation of the public peace, health, or safety within~~
32 ~~the meaning of Article IV of the Constitution and shall go into~~
33 ~~immediate effect. The facts constituting the necessity are:~~

34 ~~In order to ensure that limousines that have been modified or~~
35 ~~extended for purposes of increasing vehicle length and passenger~~
36 ~~capacity and that are operated in California are better equipped~~
37 ~~for passenger safety at the earliest possible time, it is necessary~~
38 ~~for this act to take effect immediately.~~

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